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October 11, 2005

Hearing Officer Jean Stone
c/o Sharla Dillon
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Re: United Telephone-Southeast, Inc.'s Motion for Adoption of Protective Order
Docket Nos. 05-00152 and 05-00156

Dear Hearing Officer Stone:

Please find enclosed an original and thirteen (13) copies of United Telephone-Southeast, Inc.'s Motion for Adoption of Protective Order in the above-referenced Dockets. An extra copy of this letter is enclosed. Please date stamp it and return to me in the enclosed self-addressed stamped envelope.

Please do not hesitate to contact me if you have any questions concerning this request.

Sincerely yours,

Edward Phillips

HEP:sm

Enclosures

cc: Kirti S. Bajwa

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

In the Matters of:)	
)	
Petition by United Telephone-Southeast, Inc.)	Docket No. 05-00152
for Declaratory Ruling by the Tennessee)	
Regulatory Authority)	
)	
and)	
)	
Petition by The Information Bureau, Inc. for)	Docket No. 05-00156
Request for PUC Directive)	
)	

Motion for Adoption of Protective Order

I. INTRODUCTION

On May 27, 2005, United Telephone-Southeast, Inc. ("UTSE") filed its *Petition for Declaratory Ruling* before the Tennessee Regulatory Authority ("Authority") requesting a declaratory ruling concerning "the applicability of provisions of the Federal Communications Commission's Triennial Review Order to DS1 switching for the enterprise market."¹ UTSE's request was based on a dispute with The Information Bureau, Inc. ("TIB"). The matter finally came before the Authority at a regularly scheduled Authority Conference held on July 11, 2005. At that conference, the panel assigned to this docket voted unanimously to appoint a hearing officer to move this matter forward and convene a contested case proceeding if necessary. During the course of this proceeding, the parties have filed various letters and pleadings concerning the underlying matter, and issues associated with this docket and those in Docket No. 05-00156.

¹ See *Petition for Declaratory Ruling*, p. 1

On September 2, 2005, the parties by letter from UTSE notified the TRA that they were engaged in good-faith settlement negotiations. On September 19, 2005, UTSE filed a follow-up letter informing the Authority that the parties had in fact settled the matter and also requesting that the procedural schedule be held in abeyance. By Order dated September 19, 2005, the request was granted by the Hearing Officer assigned to this matter.

Both UTSE and TIB entered into a Settlement and Release Agreement ("Settlement Agreement") on September 23, 2005. The Settlement Agreement was fully executed by the parties on October 6, 2005. The Settlement Agreement contains highly confidential information, and, as a result, UTSE respectfully requests the Hearing Officer provide the Settlement Agreement with confidential treatment by entering a protective order in this matter.

II. DISCUSSION

A protective order allows the Authority to manage the flow of information between the parties and the agency and avoid any harm that would result from the unregulated disclosure of highly confidential information. The Authority has substantial latitude in deciding when a protective order is appropriate and the degree of protection that is required.


Good cause for a protective order exists if a party or parties will suffer a specific prejudice or harm in the absence of such an order. One example of such harm is injury that would result from the unprotected disclosure of the parties highly confidential, commercially-sensitive information. In the absence of an appropriate protective order, production of material containing confidential proprietary information easily could result in that information ending up in the hands of the party's competitors, causing that party significant harm. When the interest of protecting highly confidential information from harmful disclosure outweighs any negative impact on the need to inform the public of matters of legitimate public concern, a protective

order is warranted. In this proceeding, UTSE has entered into a settlement agreement with TIB for the purpose of resolving the underlying dispute between the parties. By the very nature of the Settlement Agreement, the parties have disclosed highly confidential information in that document. Therefore, UTSE respectfully requests that the Hearing Officer enter a protective order in this matter, so that the parties can file the Settlement Agreement with the Authority as evidence of the settlement of the disputes between them. In addition, once such protective order has been issued, the Settlement Agreement will be filed concurrently with a Joint Motion to Dismiss Docket Nos. 05-00152 and 05-00156.

III. CONCLUSION

Based upon the foregoing, UTSE respectfully requests that the duly appointed Hearing Officer issue a protective order to govern the remainder of these proceedings.

Respectfully submitted this 11th day of October, 2005.




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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion for Adoption of Protective Order of United Telephone-Southeast, Inc. upon The Information Bureau, Inc. by depositing a copy in the United States Mail, first-class postage prepaid.

This 11th day of October, 2005.

Kirti S. Bajwa, President
The Information Bureau, Inc.
P. O. Box 49
113 S. Church Street
Mountain City, TN 37683



Edward Phillips
United Telephone-Southeast, Inc.